

TRANSLATION

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference mif109wo	FOR FURTHER ACTION	See Form PCT/IPEA/416
International application No. PCT/EP2004/012435	International filing date (<i>day/month/year</i>) 03.11.2004	Priority date (<i>day/month/year</i>) 10.11.2003
International Patent Classification (IPC) or national classification and IPC G06F12/14		
Applicant MICRONAS GmbH		

1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of <u>5</u> sheets, including this cover sheet.
3. This report is also accompanied by ANNEXES, comprising: a. <input type="checkbox"/> (<i>sent to the applicant and to the International Bureau</i>) a total of _____ sheets, as follows: <input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions). <input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box. b. <input type="checkbox"/> (<i>sent to the International Bureau only</i>) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).
4. This report contains indications relating to the following items: <input checked="" type="checkbox"/> Box No. I Basis of the report <input type="checkbox"/> Box No. II Priority <input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability <input type="checkbox"/> Box No. IV Lack of unity of invention <input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement <input type="checkbox"/> Box No. VI Certain documents cited <input type="checkbox"/> Box No. VII Certain defects in the international application <input type="checkbox"/> Box No. VIII Certain observations on the international application

Date of submission of the demand	Date of completion of this report
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

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International application No.

PCT/EP2004/012435

Box No. I Basis of the report

1. With regard to the **language**, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
- ☐ This report is based on translations from the original language into the following language _____, which is the language of a translation furnished for the purposes of:
- ☐ international search (Rule 12.3 and 23.1(b))
- ☐ publication of the international application (Rule 12.4)
- ☐ international preliminary examination (Rule 55.2 and/or 55.3)
2. With regard to the **elements** of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:
- ☐ the international application as originally filed/furnished
- ☒ the description:
- pages 1-23 as originally filed/furnished
- pages* _____ received by this Authority on _____
- pages* _____ received by this Authority on _____
- ☒ the claims:
- nos. 2-10, 12, 13 as originally filed/furnished
- nos.* _____ as amended (together with any statement) under Article 19
- nos.* 1, 11 received by this Authority on 23.06.2005 with letter of 20.06.2005
- nos.* _____ received by this Authority on _____
- ☒ the drawings:
- sheets 1/9-9/9 as originally filed/furnished
- sheets* _____ received by this Authority on _____
- sheets* _____ received by this Authority on _____
- ☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.
3. ☐ The amendments have resulted in the cancellation of:
- ☐ the description, pages _____
- ☐ the claims, nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____
4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
- ☐ the description, pages _____
- ☐ the claims, nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

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International application No.

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Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement		
1.	Statement		
	Novelty (N)	Claims 4-9, 12-13	YES
		Claims 1-3, 10, 11	NO
	Inventive step (IS)	Claims 5, 6, 12, 13	YES
		Claims 1-4, 7-10, 11	NO
	Industrial applicability (IA)	Claims 1-13	YES
		Claims	NO
2.	Citations and explanations (Rule 70.7)		
1	<p>This report makes reference to the following documents:</p> <p>D1: US-A-5 095 525 (ALMGREN ET AL) 10 March 1992 (1992-03-10)</p> <p>D2: EP-A-1 022 659 (PHILIPS INTELLECTUAL PROPERTY & STANDARDS GMBH; KONINKLIJKE PHILIPS EL) 26 July 2000 (2000-07-26)</p>		
2	INDEPENDENT CLAIMS 1 AND 11		
2.1	<p>The present application fails to meet the requirements of PCT Article 33(1) because the subject matter of claim 1 is not novel within the meaning of PCT Article 33(2).</p> <p>D2 (the references in parentheses are to D2) discloses:</p> <p>a method of storing data in a random access memory, in which method</p> <p>- prior to storing, each data item is encrypted in that, on the basis of every data item ..., a permuted data item having a predefined number of data bits is generated by one-to-one permutation</p>		

Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
	<p>of the individual data bits using a first permutation key (paragraphs 0016 and 0017), wherein</p> <ul style="list-style-type: none">- the first permutation key is generated from a binary random sequence (paragraph 0020, a clocked feedback shift register is a (pseudo) random sequence generator). <p>2.2 The present application fails to meet the requirements of PCT Article 33(1) because the subject matter of claim 1 does not involve an inventive step within the meaning of PCT Article 33(3) in relation to D1. D1 (the references in parentheses are to D1) discloses:</p> <p>a method of storing data in a random access memory, in which method</p> <ul style="list-style-type: none">- prior to storage, each data item is encrypted in that, on the basis of every data item ..., a permuted data item having a predefined number of data bits is generated by one-to-one permutation of the individual data bits using a first permutation key (column 6, lines 28-41). <p>Thus the subject matter of claim 1 differs from this known method in that the first permutation key is generated from a binary random sequence.</p> <p>However, it is commonplace in the field to automatically generate keys from random numbers. A person skilled in the art would incorporate such a feature into the method of D1 and in this manner</p>

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	<p>arrive at a method according to claim 1, without thereby being inventive.</p>
2.3	<p>The features of independent device claim 11 correspond substantially to those of method claim 1, and the aforementioned objection therefore also applies to claim 11.</p>
3	<p>DEPENDENT CLAIMS</p> <p>Dependent claims 2 to 4 and 7 to 10 do not contain any additional features which, in combination with the features of any claim to which they refer, meet the requirements for novelty and inventive step because these features are either known from D1 or D2 or are commonplace.</p>